

NICHOLAS H. RODRIGUEZ
 PAUL H. BOSWELL
 JOHN J. SCHMITTINGER
 DOUGLAS B. CATTS
 WILLIAM D. FLETCHER, JR.
 CRAIG T. ELIASSEN
 WILLIAM W. PEPPER SR.
 CRYSTAL L. CAREY*
 SCOTT E. CHAMBERS*
 FRED A. TOWNSEND III
 NOEL E. PRIMOS
 DAVID A. BOSWELL
 WALT F. SCHMITTINGER
 R. SCOTT KAPPES
 JEFFREY J. CLARK
 BETH B. MILLER
 KYLE KEMMER
 P. KRISTEN BENNETT
 LORI A. BREWINGTON

*ALSO ADMITTED IN MARYLAND

LAW OFFICES
SCHMITTINGER AND RODRIGUEZ, P.A.
 414 SOUTH STATE STREET
 POST OFFICE BOX 497
 DOVER, DELAWARE 19901
 TELEPHONE 302-674-0140
 FAX 302-674-1830

HAROLD SCHMITTINGER
 OF COUNSEL

WILMINGTON OFFICE
 BRANDYWINE GATEWAY PLAZA
 1300 NORTH MARKET STREET
 WILMINGTON, DELAWARE 19801
 TELEPHONE 302-652-3676
 FAX 302-652-8788

REHOBOTH BEACH OFFICE
 WACHOVIA BANK BUILDING
 4602 HIGHWAY ONE
 REHOBOTH BEACH, DELAWARE 19971
 TELEPHONE 302-227-1400
 FAX 302-645-1843

ODESSA OFFICE
 ODESSA PROFESSIONAL PARK
 POST OFFICE BOX 626
 ODESSA, DELAWARE 19730
 TELEPHONE 302-378-1697
 FAX 302-378-1659

June 29, 2005

The Honorable Kent A. Jordan
 United States District Court
 844 King Street
 Lock Box 10
 Wilmington, DE 19801

RE: John R. Baker v. Town of Smyrna
Civil Action No.: 04-1457 (KAJ)

Dear Judge Jordan:

Please consider this as a joint status report regarding the above-captioned matter.

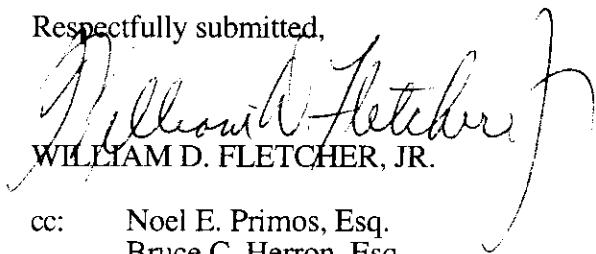
Plaintiff's Initial Disclosures Made Pursuant to Federal Rule of Civil Procedure 26 (a)(1) were filed and served on Defendant on Wednesday, June 29, 2005. Defendant served Plaintiff with Initial Disclosures Made Pursuant to Federal Rule of Civil Procedure 26 (a) (1) on January 5, 2005. On January 11, 2005, Defendant served Plaintiff with Defendant's First Set of Interrogatories and Request For Production directed to Plaintiff. Plaintiff anticipates servicing Defendant with its First Set of Interrogatories and Request For Production within the next few days. Both parties have agreed to complete discovery by September 1, 2005. Both parties have also agreed and are requesting the Court's permission to extend the Disclosure of Expert Testimony deadline to September 30, 2005.

The oral deposition of the Plaintiff was taken on February 23, 2005, and the oral depositions of Theopolas Banes, Defendant Joseph Heeger and Defendant Harvey Leggett were taken on March 22, 2005.

A mediation conference is scheduled for Wednesday, September 7, 2005, beginning at 10:00 a.m.

Both parties have agreed to waive the interim status conference call scheduled for July 6, 2005. Should the Court feel that the conference call is necessary, however, counsel stand ready to participate.

Respectfully submitted,



WILLIAM D. FLETCHER, JR.

cc: Noel E. Primos, Esq.
 Bruce C. Herron, Esq.